IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20838 of 2004

Between:

M. Uppalaiah, S/o Chandraiah, aged about 45 years,

Conductor, R/o Thorrur (V) & (M), Warangal District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Warangal Region, Warangal District.
2 The Depot Manager, APSRTC, Mahabubabad Bus Depot,

Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent not paying the salary to the petitioner by computing the notional increments from the date of termination to till the date of reinstatement (ie., w.e.f. for the year 1991 to 1993) as illegal, arbitrary and unjust and consequently direct the respondent to pay the salary to the petitioner by computing the notional increments from the date of termination to till the date of reinstatement (ie. w.e.f. for the year 1991 to 1993).

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court made the following:

ORDER:

The petitioner is working as a Conductor in the respondent Corporation. He was imposed a punishment of removal in the year 1991. He preferred I.D.No.88/1991 before the Labour Court, Warangal, and the Labour Court, through the Award dated 17.12.1992, directed reinstatement of the petitioner with continuity of service but without back wages, by imposing an alternative punishment of denial of one increment.

2. The grievance of the petitioner is that though he was reinstated into service in pursuance of the award of the Labour Court, the respondents did not fix his pay by adding notional increments for the period from the date of termination till the date of reinstatement. He also made a representation to the respondents on 16.06.2002 in this regard, but no orders have been passed. He, therefore, approached this Court, through this writ petition, seeking to direct the respondents to fix his pay by computing the notional increments from the date of termination till the date of reinstatement, in pursuance of the award of the Labour Court in I.D.No.88/1991, dated 17.12.1992.

3. In the light of the circumstances explained by the petitioner, the respondents are directed to go through the award of the Labour Court, Warangal in I.D.No.88/1991, and pass appropriate orders regarding the request of the petitioner for fixation of his pay, by working out the notional increments for the period from the date of termination till the date of reinstatement, within a period of 2 (two) months from the date of receipt of a copy of this order.

4. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager, APSRTC,

Warangal Region, Warangal District

2. The Depot Manager, APSRTC,

Mehabubabad Bus Depot, Warangal District

3. Two CD copies.